

Petitioner's Docket No. 51473

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Gallagher et al.

Serial No.: 10/661,051

Group No.: 1765

Filed: September 13, 2003

Examiner: Kin Chan Chen

For: AIR GAP FORMATION

**Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES (37 C.F.R. 1.191)**

*NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.*

*NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.*

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed \_\_\_\_\_, finally rejecting claims \_\_\_\_\_.

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of

☒ other than a small entity.

☐ a small entity.

A statement:

☐ is attached.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))**

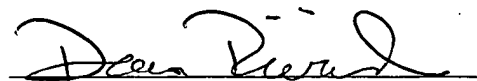
I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

  
Signature

Date: 2/28/2006

Deanna M. Rivernider  
(type or print name of person certifying)

03/06/2006 DENMANU1 00000078 181850 10661051

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(Notice of Appeal from the Primary Examiner to Board—page 1 of 3)

☐ was already filed.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Notice of Appeal is:

☐ small entity \$250.00  
☒ other than a small entity \$500.00

Notice of Appeal fee due \$ 500.00.

**3. EXTENSION OF TERM**

*NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).*

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 420.00	\$ 210.00
<input type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$1,480.00	\$ 740.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

(a) ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_  
or

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 500.00

Extension fee (if any) \$ \_\_\_\_\_

TOTAL FEE DUE \$ 500.00

5. FEE PAYMENT

☐ Attached is a check in the sum of \$ \_\_\_\_\_

☒ Charge Account No. 18-1850 the sum of \$ 18-1850.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

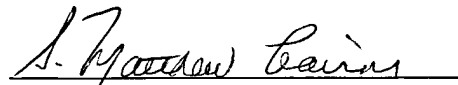
*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.*

☒ If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 18-1850.

AND/OR

☒ If any additional fee for claims is required, charge Account No. 18-1850.

Respectfully submitted,



S. Matthew Cairns

Registration No. 42,378

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